

REMARKS

After Final Prosecution History:

A final action was mailed on March 23, 2005. In the final action, the Examiner indicated that certain claims were allowable, provided that amendments were made to include changes to the preambles of selected claims. The Applicant filed a response to the final action on May 18, 2005, in which amendments to the claims were presented, and which amendments the Applicant believed were in compliance with the Examiner's comments given in the final action, and which therefore put the claims in allowable form.

The Examiner placed a telephone call to the Applicant's representative, Mr. Olson, on June 6, 2005, during which the Examiner indicated that the amendments to the claims as presented in the Applicant's response filed on May 18, 2005 did not place the claims in allowable form. The Examiner indicated that in order to place the claims in allowable form, the preamble of the claims must indicate an "image fixing apparatus" or the like, rather than simply, "an apparatus."

Upon Mr. Olson's inquiry, the Examiner indicated that another response to the final action could be filed before the date of expiration of the three-month period for response, which date of expiration is June 23, 2005.

The Applicant filed, on June 08, 2005, a responsive amendment that contained amendments to the claims in accordance with the Examiner's comments during the above referenced telephone interview, and which amendments were believed by the Applicant to place the application in condition for allowance.

Subsequent to the filing of this responsive amendment, and upon checking the USPTO website, Mr. Olson determined that this responsive amendment was received by the USPTO on June 10, 2005.

On approximately, June 13, 2005, the Applicant received an advisory action that indicated that the amendments received by the USPTO on May 20 failed to place the application in condition for allowance. No mention of the above referenced telephone interview is contained in the advisory action. The Applicant notes that the advisory action was mailed on June 08, 2005, which is the same day that the above referenced telephone interview took place. The Applicant therefore concludes that the advisory action was mailed before the telephone interview was conducted.

1 In response to the receipt of the advisory action, Mr. Olson attempted to
2 contact the Examiner to determine if any further action was required by the Applicant
3 to place the application in condition for allowance. However, as of the date of this
4 communication Mr. Olson has been unsuccessful in reaching the Examiner.

5 The Applicant is submitting this communication in response to the advisory
6 action. The Applicant believes that the amendments filed on June 08, 2005 place
7 the application in condition for allowance in view of the Examiner's comments during
8 the above referenced telephone interview. The Applicant also believes that no
9 further action is required to place the application in condition for allowance.

9 Petition for Extension of Time:

10 The Applicant herewith petitions the Commissioner of Patents and
11 Trademarks to extend the time for reply to the Office action dated 03/23/2005 for one
12 (1) month from 06/23/2005 to 07/23/2005. Please charge deposit account number
13 08-2025 in the amount specified on the attached Transmittal Letter to cover the cost
14 of the extension.

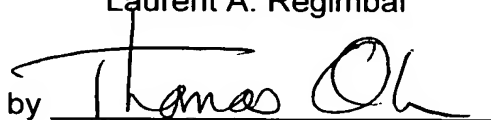
15 **SUMMARY**

16 The Applicant believes this response constitutes a full and complete reply to
17 the advisory action mailed 06/08/2005. The Applicant further believes that claims 1,
18 6, 14, and 27-36 are in allowable form, and that the application is in condition for
19 allowance. The Examiner is respectfully requested to contact the below-signed
20 attorney if the Examiner believes this will facilitate prosecution toward allowance of
21 the claims.

22 Respectfully submitted,

23 Laurent A. Regimbal

24 Date: July 07, 2005

25 by 

Thomas Olson

Attorney for Applicant

Reg. No. 44,271

(509) 327-4748

*Application No. 10/719,960
Docket No. 10011454-3
Response to Advisory Action*